REMARKS

Claims 1-25 were pending. The Examiner rejected claims 1 and 14 under 35 U.S.C. §112, and objected to informalities in claims 18 and 23. Claims 1-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over various combinations of McElroy et al. (U.S. Patent No. 5,835,868) and Borugian (U.S. Patent No. 7,119,696), and in some cases, Menard, et al. (U.S. Patent No. 6,563,910). In response, Applicants have amended claims 1, 9, 14, 16-18 and 23 and cancelled claim 15. No new matter has been added. Thus, claims 1-14 and 16-25 are now pending. Applicants respectfully request reconsideration of the pending claims in view of the preceding amendments and the following remarks.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 2, 6-9, 11-16 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over McElroy in view of Borugian. Claims 3-5 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over McElroy and Borugian in view of Menard. Claims 17-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Borugian in view of McElroy. Applicants respectfully traverse these rejections.

Independent Claims 1, 9 and 17

Independent claim 1 is directed to a vehicle disable system that includes a communications system linked to an onboard computer. The communications system is capable of communicating to a remote control center by way of a telecommunications link. The onboard computer includes,

> means for acting on a shutdown command from said remote control
> center, and <u>means for interrupting a throttle command signal</u>
> <u>generated by a throttle position sensor</u>. (emphasis added).

Similarly, independent claim 9 as amended is directed to a method for incapacitating a vehicle. The method includes,

> receiving information into a control center; and
>
> sending from said control center, by way of a wireless communication, a shutdown command to an onboard computer mounted in said vehicle;
>
> wherein said onboard computer is configured to initiate a shutdown sequence <u>that places said vehicle in an idle mode by disabling a throttle position sensor</u>. (emphasis added).

And finally, independent claim 17 as amended is directed to a method for incapacitating a vehicle that includes,

> receiving a signal initiated by the vehicle driver;
>
> checking the validity of the signal according to a predetermined protocol; and
>
> incapacitating the vehicle if the step of checking the validity of the signal violates the terms of the predetermined protocol, wherein said incapacitating step includes <u>forcing the vehicle engine into an idle mode by disabling a throttle position sensor</u>. (emphasis added).

Contrary to the Examiner's assertions (Office Action, pages 3-4 and 8), none of the cited references teach or suggest the above-recited features of claims 1, 9 and 17. More specifically, none of the cited references, either alone or in combination, teach or suggest 1) a vehicle disable system having a "means for interrupting <u>a throttle command signal generated by a throttle position sensor</u>," as recited in claim 1; 2) an onboard computer "configured to initiate a shutdown sequence that places said vehicle <u>in an idle mode by disabling a throttle position sensor</u>," as recited in claim 9; or a method for incapacitating a vehicle that includes "forcing the vehicle engine into an idle mode <u>by disabling a throttle position sensor</u>," as recited in claim 17.

McElroy, the primary reference cited by the Examiner for teaching the above-recited features of claims 1, 9 and 17, discloses an automated system and method for immobilizing a stationary vehicle and bringing a moving vehicle to a gradual stop without cutting power to the vehicle engine. The system includes a central control for analyzing a plurality of monitored parameters and an external triggering device for generating a triggering signal. The system also includes a throttle adjustable range actuator module for disabling the vehicle accelerator, a brake adjustable range actuator module for deploying the vehicle brakes and a clutch adjustable range actuator module for deploying the clutch. (McElroy, col. 5, lines 4-32).

Under normal operating conditions, when the vehicle accelerator is pushed an accelerator cable moves through first and second accelerator cable sheaths, which permits a throttle arm to be operated so that fuel is delivered to the engine of the vehicle to sustain acceleration beyond an idle. (McElroy, col. 14, lines 21-312). The throttle actuator module, as shown in Figures 3A-C of McElroy, is configured to disable the vehicle accelerator by placing slack in the accelerator cable. (McElroy, col. 12, lines 33-35). Slack in the accelerator cable prevents movement of the cable through the accelerator sheaths when the accelerator pedal is pushed. Thus, the throttle arm is not operated and the fuel delivered to the engine is sufficient only to sustain an idle. (McElroy, col. 14, lines 50-56). In other words, McElroy discloses a system and method for disabling a throttle actuator module by placing slack in the accelerator cable, which ultimately limits the fuel delivered to the engine. Indeed, introducing slack into an accelerator cable is wholly unrelated to interrupting a throttle control signal or disabling a throttle position sensor. Thus, McElroy cannot possibly teach or suggest 1) a "means for interrupting <u>a throttle command signal generated by a throttle position sensor</u>," as recited in claim 1; 2) an onboard computer "configured to initiate a shutdown sequence

that places said vehicle <u>in an idle mode by disabling a throttle position sensor</u>," as recited in claim 9;
or a method for incapacitating a vehicle that includes "forcing the vehicle engine into an idle mode
<u>by disabling a throttle position sensor</u>," as recited in claim 17.

For at least the reasons set forth above, independent claims 1, 9 and 17, and claims 2-8, 10-
14, 16 and 18-25, which depend therefrom, are patentable over the cited art and are in condition for
allowance.

CONCLUSION

Reconsideration and allowance are respectfully requested. In view of the above, each of the
presently pending claims in this application is believed to be in condition for allowance.
Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please
charge our Deposit Account No. 18-0013, under Order No. 65899-0670 from which the undersigned
is authorized to draw.

Dated: January 27, 2009   Respectfully submitted,

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